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SUBJECT: THREE AREAS JOINT COMMUNIQUE NOT OUT OF THE GATES

REF: KHARTOUM 631

1. (U) This is an action request - See paragraph 11.

2. (SBU) SUMMARY: On June 2, Emboffs met with Clarke Soriano, head of the UN Resident Coordinator's Office, to discuss the Three Areas assessment and establishment of Joint Communiques (JCs), as well as an associated High-Level Committee, for the Three Areas. The JCs will put in place an improved operational environment for assistance programs in the Three Areas, including greater access and streamlined bureaucratic procedures and regulations, and set up a body to monitor an address issues related to effective implementation. The need for JCs was negotiated between the U.S. Special Envoy and the National Congress Party (NCP) in early April. UN Special Representative of the Secretary-General (SRSG) and UN Resident/Humanitarian Coordinator Ameerah Haq agreed to facilitate the negotiation of the agreement among relevant parties. While the SE agreement mentioned a separate joint communique for each region, the UN and others are considering one JC for the entire Three Areas.

3. (SBU) The UN has been working with state-level Sudan People's Liberation Movement (SPLM) officials and National Congress Party (NCP) representatives from the Humanitarian Assistance Commission (HAC) to conduct an assessment on the impact of NGO expulsions on the states. The UN was considering the completion of the ongoing assessment as a prerequisite for negotiations on the JC. Soriano agreed to wrap up the assessment quickly, while simultaneously discussing operational issues with Three Areas officials in order to gain consensus on key components of a draft JC. END SUMMARY.

THREE AREAS ASSESSMENT STALLED

4. (SBU) The UN SRSG office appointed Soriano to represent the office on the Three Areas assessment team and facilitate the development of a Three Areas Joint Communique. According to Soriano, ongoing disagreements between the NCP and the SPLM on the content of the draft assessment continue to stall the release of assessment results. NCP members insist that no statements critical of Sudanese President Omar al Bashir's decision to expel international organizations be included, while Sudanese People's Liberation Movement (SPLM) members argue that such findings must be included in the final assessment report, since the negative outcomes of this decision are clearly evidenced. This point of contention is particularly problematic in regards to Abyei.

15. (SBU) Blue Nile and Southern Kordofan SPLM officials agreed to watered-down language that does not contradict the President's expulsion decision and permits the resumption of expelled organizations' programs and the negotiation of a new operational environment in these states. However, Abyei Administrator Arop Mayak still refuses to water down findings that the expulsions have had significant negative impacts on the Abyei population, were unconstitutional, included organizations working outside Darfur, and therefore should be reversed.

16. (SBU) Emboffs explained to Soriano that Vice President Taha had insisted that an assessment be conducted before he would discuss with GOSS Vice President Riek on how to deal with the expulsions' impact on the Three Areas and how to improve the operational environment for implementing programs. Emboffs suggested to Soriano that the assessment team finalize the assessment results immediately and pass the report to Vice Presidents Taha and Riek before making the results public. The two party leaders could thus begin their discussions on the programs' operational environment, which would form the basis of a Three Areas Joint Communique.

JOINT COMMUNIQUE: DIFFERENCES OF UNDERSTANDING

17. (SBU) Prior to Emboffs' meeting with Soriano, Blue Nile State Governor Malik Agar told Emboff that he favored establishing a "two door policy" for the Three Areas, allowing organizations registered in either Khartoum or Juba to access and work in any of the Three Areas. Professor Idriss, whom Agar appointed to negotiate a new operational environment for the Three Areas on his behalf, later

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presented six starting points that did not include the two door option. Instead, Idriss favors a more inclusive operational process, facilitating Government of Southern Sudan (GOSS) and SPLM state officials' direct involvement in HAC in Khartoum, including establishment of a co-commissioner.

18. (SBU) Idriss was unaware that the Special Envoy and the National Congress Party (NCP) had agreed to a Three Areas Joint Communique, and he stated that the UN should not be involved in the mechanism, but rather that the SPLM and the NCP should negotiate an improved operational framework in the region. Idriss cited the NCP's ability to manipulate the UN through stalling and potential conflicts of interest as reasons to exclude the UN from the process, given that some UN offices had expressed interest in assuming the programming of expelled NGOs. Idriss prefers that the assessment recommend a new operational environment be established and then leave it to Vice Presidents Riek and Taha to negotiate that outcome, using the assessment committees to monitor the agreement.

STEPS FORWARD ON JC

19. (SBU) Emboffs emphasized to Soriano the importance of having an improved implementing environment in place prior to the resumption of suspended development programs in the Three Areas. (Note: Mercy Corps/Scotland was registered by HAC on June 7 and AECOM International signed their Implementation Protocol with the Ministry of International Cooperation on June 8. End note.) Soriano agreed to push finalization of the assessments and to engage simultaneously with state officials to clarify their perspectives on key issues in order to jumpstart the Three Areas JC process.

110. (SBU) In a June 8 meeting with Ahmed Haroun, current Governor of Southern Kordofan state and ex-HAC Commissioner, Jason Matus, the Strategic Advisor for the Three Areas Steering Group, presented a set of essential considerations for a future joint communique provided by donors. Haroun agreed to address all the considerations (i.e. multiple-entry permits for implementing partner and donor staff, and mandatory technical agreements only with state government). He did not agree to access to the state using registrations from Juba. [Note: As state Governor, Haroun is

seeking increased development support for Southern Kordofan. His previous position as head of HAC, the organization that has been the major impediment to assistance programs, gives him continued influence in that organization. This could lead to greater success in creating an improved platform for assistance programs. End note.] Emboffs have previously discussed these considerations with SPLM VP Riek Machar, Arop Mayak, the Abyei Administrator and Malik Agar, the Blue Nile state Governor, who have all agreed to an operational framework to address the essential points.

¶11. (SBU) Comment and action request: A timely manner mechanism to improve the Three Areas' implementing environment is crucial to avoid the delays, impediments, and harassment experienced by USAID partners and staff pre-expulsion. As the elections and 2011 referendum near, these volatile regions will be critical to peaceful transition in Sudan and should not be closed to international assistance. Donors have taken the lead in informally building consensus around a potential framework for the Three Areas joint communique(s). Unless the UN takes the lead to formally push this process forward, finalizing a joint communique could take 3-5 months. Post requests that the SE raise this issue at the appropriate level so that the JCs are in place within a month.

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